

## Special Needs Scholarship Program

### Frequently Asked Questions for Public Schools– 2016-17 School Year

Starting with the 2016-17 school year, the Special Needs Scholarship Program (SNSP) allows a student with a disability, who meets certain eligibility requirements, to receive a state-funded scholarship to attend a participating private school. The SNSP is governed by Wisconsin Statute 115.7915 and Wisconsin Administrative Code Chapter PI 49.

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**STUDENT ELIGIBILITY**

**1. How does a student become eligible for the SNSP?**

For the 2016-17 school year, there are two options by which a student can meet the eligibility requirements: (a) Student Eligibility Option 1 and (b) Student Eligibility Option 2 – 2016-17 Alternative Option.

Student Eligibility Option 1

Under Wis. Stat. § 115.7915, a student with a disability may be eligible to participate in the SNSP if the student meets all of the following eligibility requirements:

- Prior Year Enrollment: The student was enrolled in a Wisconsin public school for the entire 2015-16 school year.
- IEP or Services Plan: The student has an IEP or services plan that was developed and has an implementation date at the time the student is applying to the SNSP.
- Open Enrollment Denial: The student applied to attend a public school under the open enrollment program for the 2016-17 school year, and all of the following occurred:
  - o All of the student's open enrollment applications were denied.
  - o If the open enrollment denial was appealed, the Department of Public Instruction (department) affirmed the decision.
- Wisconsin Resident: The student resides in Wisconsin.

Student Eligibility Option 1 applies in 2016-17 and all future years.

Student Eligibility Option 2 – 2016-17 Alternative Option

For the 2016-17 school year only, a student may be eligible to participate in the SNSP if the student meets all of the following eligibility requirements:

- Prior Year Enrollment: There is no requirement that the student have been enrolled in a public school district in the previous year.
- IEP or Services Plan: The student had an IEP or services plan that was developed or had an implementation date between July 1, 2011 and June 30, 2016.
- Open Enrollment Denial: The student applied to attend a public school under the open enrollment program for the 2011-12, 2012-13, 2013-14, 2014-15, or 2015-16 school years and all of the following occurred for **that year**:

- All of the student's open enrollment applications were denied.
- If an open enrollment denial was appealed, the department affirmed the decision.
- Wisconsin Resident: The student resides in Wisconsin.

**2. What should a SNSP applicant do if they did not retain the open enrollment denial letter that they received from the school district?**

If a SNSP student applicant is not able to locate a copy of the open enrollment denial letter or appeal decision from the department, the applicant should request assistance from the SNSP school that they are applying to. The SNSP school will be able to request confirmation from the department of an open enrollment denial and/or decision from the department.

**3. Is there a limit on how many students a SNSP school can accept?**

State law does limit the number of students a SNSP school can accept. However, SNSP schools identify how many SNSP seats they have available.

If a SNSP school receives more applications than the number of SNSP seats it has available, then the school must accept SNSP student applicants in the order in which completed applications are received, except that the school may choose to give preference to siblings of students who are already attending the school.

**PUBLIC SCHOOL DISTRICT GENERAL RESPONSIBILITIES**

**4. What are a resident school district's responsibilities under the SNSP?**

Under the SNSP, resident school districts must:

- a. Notify parents/guardians of students with disabilities of the SNSP. Wis. Stat. § 115.7915(5)(a).
- b. Within three (3) days of being requested to do so by the Department of Public Instruction (department): 1) verify if the student has/had an individualized education program (IEP) or services plan; and 2) provide an IEP to the private school where the student applied. Wis. Stat. § 115.7915(4)(b); Wis. Admin. Code § PI 49.05(7).
- c. Administer state assessments to SNSP students at no cost when requested by the parent/guardian if the private school does not administer them. Wis. Stat. § 115.7915(5)(b).
- d. Ensure that an IEP team re-evaluates each SNSP student once every three (3) years. Wis. Stat. § 115.7915(2)(h).

**5. Does a non-resident school district have responsibilities under the SNSP?**

The department will first send the email explained in question 4.a., above. If the resident school district notifies the department that the student does not or did not have an IEP or services plan and a different school district prepared the IEP or services plan, the department will then notify the school district that prepared the IEP or services plan that it must do the following within three (3) days:

- Provide verification to the department that the student has or had an IEP or services plan during the required time.
- Provide a copy of the IEP to the participating private school.

**6. What form and/or method of delivery must public schools follow when providing the annual notice of the SNSP to students with disabilities?**

Wisconsin law requires that public school districts provide annual notice of the SNSP to the parents of each student with a disability enrolled in that district. The statute does not specify the content, the format, or a specific date for the annual notice related to the SNSP.

Please note, the SNSP notice requirement is in addition to the notice of educational options under §§ 118.57 and 115.385(4), Wis. Stats.

**7. What financial impact will the SNSP have on public school districts?**

Public school districts will have their resident SNSP students added by DPI to their membership counts for state aid and revenue limit purposes. This results in a one year delay for impacts to state aids and a three year phase in for revenue limits. Participating private schools will receive \$12,000 per full time equivalent for each SNSP student from the department. The department will withhold the \$12,000 per full time equivalent for each SNSP student from state equalization aid payments. If the general school aid payments are insufficient to cover the SNSP cost, the department will decrease other state aid payments made by the department to the school district for the remaining amount. .

### **IEP/SERVICE PLAN VERIFICATION**

**8. What will the verification email from the department require that the school district verify?**

The school district will be required to verify that the student has or had an IEP or services plan that meets certain requirements. The verification request for each student will indicate what should be verified for each student. The requirements differ based on which type of application a student completes. The two options are:

*Student Eligibility Option 1:* The student must have an IEP or services plan in effect at the time the student applied to participate in the SNSP. This means the public school district had developed and is implementing an IEP or services plan for the student at the time the student submitted his/her SNSP student application.

*Student Eligibility Option 2 – 2016-17 Alternative Option:* The student must have had an IEP or services plan that was developed or had an implementation date between July 1, 2011 and June 30, 2016.

**9. What should the school district do if it has a record that the student had an IEP that meets the requirement but is not able to locate a copy of the IEP to send to the private school?**

If the public school district cannot locate a copy of the IEP, the district should send an email to [snsp@dpi.wi.gov](mailto:snsp@dpi.wi.gov) notifying the department.

### **EQUITABLE SERVICES FOR SNSP STUDENTS**

**10. Are school districts required to provide IDEA Equitable Services to SNSP students?**

While public school districts are ultimately responsible for making the final decisions about the services to be provided to parentally placed private school children with disabilities, they cannot refuse to provide services via a services plan to a student who is receiving a SNSP scholarship solely because the student is participating in the SNSP.

When a student is found eligible for special education under state and federal special education law, the student is entitled to a free appropriate public education (FAPE). FAPE is provided to each student with a disability in accordance with an IEP. The public school district where the child lives is responsible for providing FAPE to every enrolled student with a disability.

Students are not entitled to receive FAPE while enrolled by their parents in a private school. However certain students may be eligible to receive some public school services via a services plan (ISP). The public school district responsible for developing and implementing services plans for parentally placed private school students is the district where the private school is located. It is important to note that unlike FAPE/IEP for public school students, there is no individual entitlement to a services plan for private school students. For additional information about the requirements for public school districts to provide services for students with disabilities who are enrolled by their parents in private schools, see <http://dpi.wi.gov/sped/topics/private-schools>.

## **REEVALUATIONS OF SNSP STUDENTS**

### **11. What is the IEP reevaluation process for SNSP students?**

In order for a student to be able to continue his/her participation in the SNSP, the student's parent/guardian must make the student available for a reevaluation within sixty (60) days of a reevaluation request being made by the student's resident school district. Public school districts may only make a reevaluation request once every three (3) years for each SNSP student. An IEP team, appointed by the student's resident school district, will complete the required reevaluation. The three year reevaluation period is determined as follows:

- For a student that had an IEP team evaluation or reevaluation within three (3) years of having been accepted into the SNSP, the student's three (3) year reevaluation period is determined from the date of that most recent evaluation or reevaluation.
  - o For example, if a student's most recent evaluation or reevaluation was on September 1, 2015, and the student is accepted to participate in the SNSP for the 2016-17 school year, then the student's resident school district would need to make a request for the student to be reevaluated by September 1, 2018. The parent must make the student available for the reevaluation within sixty (60) days of that request.
- For a student that has not had an IEP team evaluation or reevaluation within three (3) years from when the student begins attending a school as an SNSP student, the student's three (3) year reevaluation date is determined from the date that the student begins attending a school as an SNSP student.

**12. Which school district is required to perform the SNSP reevaluation? Can a SNSP student have an evaluation by a nonresident school district?**

Wis. Stat. § 115.7915(2)(h) requires that resident school districts conduct SNSP reevaluations for SNSP students.

**SNSP STUDENT RECORDS**

**13. Can the public school district obtain records for students participating in the SNSP from the private school?**

A resident school district may request that a participating private school provide it with records relating to the implementation of a SNSP student's IEP or services plan. The private school must provide the resident school district with the requested record within five (5) days of receiving the request. Wis. Stat. § 115.7915(6)(h)2.

**14. What record retention requirements does a resident school district have for documents in its possession that pertain to a student participating in the SNSP?**

Under federal law, recipients of federal funds must maintain a student's IEP, IEP team evaluation reports, and placement notices for financial or program audit purposes. The records must be kept for the current fiscal year plus four more years.

Under the IDEA, a school district must inform the parents of a student with a disability when personally identifiable information is no longer needed to provide educational services to the student. The notice would normally be given at the time the student graduates or otherwise ceases to be enrolled in the school district. The purpose of the notice is to alert the parents that certain pupil records may be needed for proof of eligibility for benefits or other purposes. The information that is no longer needed must be destroyed at the request of the parent, 34 CFR 300.624. Otherwise, under state law the information may be maintained for only one (1) year after the student graduates or ceases to be enrolled, unless the parent or adult pupil specifies in writing that the records may be maintained for a longer period. Wis. Stat. § 118.125(3).

The department recommends that for purposes of the SNSP, when a student graduates or otherwise ceases to meet the SNSP statutory requirements, the resident school district should obtain the permission of the parent or adult pupil to maintain IEP team reevaluation reports, IEPs and/or any placement or IEP implementation/progress notices for the current fiscal year plus four more years for audit purposes.

If the parent requests destruction of the records or will not grant permission to maintain the records for five (5) years, then the Office of Special Education Program (OSEP), U.S. Department of Education, recommends removing the personal identifiers from the records. Once personal identifiers are removed, the records are not pupil records and may be maintained until they are no longer needed to satisfy the federal record maintenance requirement.

### **SNSP STUDENT ASSESSMENTS**

**15. Will the test results for an SNSP student be included in my district's report card?**

No, the test results will not be included in the district's report card issued by the department.

### **SNSP STUDENT TRANSPORTATION**

**16. What transportation obligations does a resident school district have for students participating in the SNSP?**

The transportation requirements for SNSP students are the same as they are for any other parentally placed private school student.